

# United States Court of Appeals For the First Circuit

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No. 09-2207

CARMEN M. OCASIO-HERNÁNDEZ, et al.,

Plaintiffs, Appellants,

v.

LUIS FORTUÑO-BURSET, et al.,

Defendants, Appellees.

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## ERRATA SHEET

The opinion of this court issued on April 1, 2011, is amended as follows:

On page 31, line 8, insert a footnote symbol "4" following the sentence that reads "Although § 1983 liability cannot rest solely on a defendant's position of authority, see Ayala-Rodriguez v. Rullán, 511 F.3d 232, 236 (1st Cir. 2007), the plaintiffs' complaint does include other well-pleaded factual allegations that detail each of these three defendants' level of personal involvement in and familiarity with the plaintiffs' terminations."

The footnote should read as follows: "Hence, there is no conflict between this decision and our recent decision in Peñalbert-Rosa v. Fortuño-Burset. The significant difference is that, there, the only allegation against the defendants was that they "participated" or "approved" of the firing with no factual explanation whatever. See 631 F.3d at 595-96."

The subsequent footnotes in the opinion should be renumbered accordingly.